

1 **Marshall Meyers (020584)**  
2 **WEISBERG & MEYERS, LLC**  
3 **5025 North Central Ave., #602**  
4 **Phoenix, AZ 85012**  
5 **602 445 9819**  
6 **866 565 1327 facsimile**  
7 **mmeyers@AttorneysForConsumers.com**  
8 **Attorney for Plaintiff**

9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 **CAROLINE KARROL,** ) Case No.  
12 )  
13 Plaintiff, ) **COMPLAINT**  
14 )  
15 vs. )  
16 )  
17 **BAY AREA CREDIT SERVICE, LLC,** )  
18 )  
19 Defendant. )  
20 )  
21 )  
22 )

23 **I. INTRODUCTION**

24 1. This is an action for damages brought by an individual consumer for  
25 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*  
26 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,  
27 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy  
28 ancillary to Defendant's collection efforts.

29 **II. JURISDICTION**

30 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

31 **III. PARTIES**

32 3. Plaintiff, Caroline Karrol, is a natural person residing in Pima County.

33 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1           5. Defendant, Bay Area Credit Service, LLC, is a corporation engaged in the  
2 business of collecting debts by use of the mails and telephone, and Defendant regularly  
3 attempts to collect debts alleged to be due another.  
4

5           6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §  
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).  
7

#### 8                           **IV. FACTUAL ALLEGATIONS**

9           7. At various and multiple times prior to the filing of the instant complaint,  
10 including within the one year preceding the filing of this complaint, Defendant  
11 contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s  
12 conduct violated the FDCPA in multiple ways, including but not limited to:  
13

- 14           a) Failing to disclose the callers individual identity in a telephone call to  
15 Plaintiff (§ 1692d(6));  
16
- 17           b) Communicating with Plaintiff at times or places which were known or  
18 should have been known to be inconvenient for Plaintiff, including  
19 contacting Plaintiff repeatedly before 8:00 am local time for Plaintiff,  
20 despite repeated protestations by Plaintiff (§ 1692c(a)(1));  
21
- 22           c) Causing Plaintiffs telephone to ring repeatedly or continuously with intent  
23 to harass, annoy or abuse Plaintiff (§ 1692d(5)).  
24

25           8. Defendant’s aforementioned violations of the FDCPA also constitute an  
26 invasion of Plaintiff’s right to privacy, causing injury to Plaintiff’s feelings, mental  
27 anguish and distress.  
28

1           9. Defendant's aforementioned violations of the FDCPA also constitute an  
2 intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's  
3 life, conducted in a manner highly offensive to a reasonable person. With respect to  
4 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was  
5 objectively reasonable under the circumstances.  
6

7  
8                   **COUNT I: VIOLATION OF FAIR DEBT**  
9                   **COLLECTION PRACTICES ACT**

10          10. Plaintiff reincorporates by reference all of the preceding paragraphs.

11                   **PRAYER FOR RELIEF**

12          WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
13 Defendant for the following:  
14

- 15               A. Declaratory judgment that Defendant's conduct  
16 violated the FDCPA;  
17               B. Actual damages;  
18               C. Statutory damages;  
19               D. Costs and reasonable attorney's fees; and,  
20               E. For such other and further relief as may be just and proper.  
21

22                   **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

23          11. Plaintiff reincorporates by reference all of the preceding paragraphs.

24                   **PRAYER FOR RELIEF**

25          WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
26 Defendant for the following:  
27

- 28               A. Actual damages

- 1 B. Punitive Damages; and,  
2 C. For such other and further relief as may be just and proper.  
3

4 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

5 Respectfully submitted this 21<sup>st</sup> day of August, 2009

6 By: s/ Marshall Meyers  
7 Marshall Meyers (020584)  
8 WEISBERG & MEYERS, LLC  
9 5025 North Central Ave., #602  
10 Phoenix, AZ 85012  
11 602 445 9819  
12 866 565 1327 facsimile  
13 mmeyers@AttorneysForConsumers.com  
14 Attorney for Plaintiff  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28